



RECEIVED
MAY 29 2003
TECH CENTER 1600/2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Surolia, N.

Examiner: Weddington, K.

Serial Number: 09/763,499

Art Unit: 1614

Filing Date: February 23, 2001

Attorney Docket: 2003710-0001
(IN99/00026)

Title: USE OF HYDROXYDIPHENYL ETHER CLASS OF CHEMICALS,
AS EXEMPLIFIED BY TRICLOSAN, AS AN ANTIMALARIAL
AND IDENTIFICATION OF FATTY ACID SYNTHESIS AS ITS
TARGET

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed March 5, 2003, Applicants elect Group I, claims 7-13, 15, 16, 19, and 20.

Applicant respectfully requests reconsideration of the Examiner's assignment of claim 14 to Group II rather than to Group I. As noted in the Restriction Requirement, claim 14 is classified in class 514, subclass 721, while claims in Group I are also classified in class 514 and further classified in either subclass 721 and 895. Applicants therefore submit that no additional searching will be required if claim 14 is included in Group I since at least some of the claims in Group I fall into both the same class and subclass as claim 14. Applicant additionally submits that claim 14 and several of the claims in Group I are all drawn to compositions comprising or consisting of hydroxydiphenyl ethers. In view of these considerations Applicant respectfully requests that the Examiner consider reassignment of claim 14 to Group I.

Applicant respectfully requests reconsideration of the Examiner's assignment of claims 17 and 18 (Group III) to a separate group rather than including them in Group I. Applicant notes that claims 17 and 18 are both drawn to an antimalarial drug target as are claims 19 and 20, which the Examiner has included in Group I. Applicant thus submits

that if inclusion of claims 19 and 20 in Group I is proper, then claims 17 and 18 should likewise be included in Group I.

Applicant recognizes that confusion may have arisen because claims 19 and 20, as present in the Preliminary Amendment filed together with the application on February 23, 2001, are dependent on claim 10. The Preliminary Amendment enclosed herein corrects this dependency. As explained in the enclosed Preliminary Amendment, consideration of the claim structure will make it clear that claims 19 and 20 should be dependent on claim 17 rather than claim 10 and that the dependency on claim 10 rather than claim 17 is a typographical error. Applicant apologizes for any confusion that may have been caused by this error.

In summary, Applicant respectfully requests reassignment of claim 14 to Group I on the grounds that claim 14 is classified in the same class and subclass as claims in Group I and is likewise drawn to composition comprising or consisting of a hydroxydiphenyl ether. Applicant additionally request inclusion of claims 17, 18, 19 and 20 in a single group since all are drawn to an antimalarial drug target comprising a component of fatty acid synthesis pathway. Since claims 19 and 20 are presently in Group I, Applicant submits that addition of claims 17 and 18 to this group is proper and notes that Groups I and III are all classified in Group 514.

Applicant also notes that the filing date listed on the Restriction Requirement is incorrect. The correct filing date is February 23, 2001 rather than August 27, 2001. Enclosed as Exhibit A please find a copy of the Transmittal Letter that accompanied the filing of the patent application, indicating a deposit date of February 23, 2001.

Enclosed herewith is a Petition for Extension of Time for responding to the Restriction Requirement and a check for \$205 to cover the extension fee for a small entity.

Please charge any additional fees that may be associated with this matter to our Deposit Account No. 03-1721.



RECEIVED
MAY 29 2003
TECH CENTER 1600/2300

Respectfully submitted,

Monica R. Gerber

Monica R. Gerber, M.D., Ph.D.

Registration Number 46,724

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Dated: May 22, 2003
3555497_1.DOC

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in
an envelope addressed to: Commissioner For Patents,
P.O. Box 1450, Alexandria, VA 22313

on 5-22-03
Sandra Laccocia